



Fourth Report to Congress June 1982

Administration of the Wild Free-Roaming Horse and Burro Act

**U.S. Department of the Interior
Bureau of Land Management**

**U.S. Department of Agriculture
Forest Service**

KF
5645
.H65
A833
1982

Preface

Fourth Report to Congress June 1982

Administration of the Wild Free-Roaming Horse and Burro Act

U.S. Department of the Interior
Bureau of Land Management

U.S. Department of Agriculture
Forest Service

Bureau of Land Management
Library
Bldg. 50, Denver Federal Center
Denver, CO 80225

Preface of Contents

The Wild Free-Roaming Horse and Burro Act (Public Law 92-195) became law on December 15, 1971. The act delegated the responsibility for the management and protection of wild horses and burros to the Bureau of Land Management (BLM) through the Secretary of the Interior and to the Forest Service through the Secretary of Agriculture. As required by the act, the Secretaries are submitting this Fourth Report to Congress on the administration of the law, which covers Fiscal Years 1980 and 1981. This joint report includes a discussion of the Agencies' activities and costs.

Prior to the passage of the act, wild horses and burros had no Federal status on the public lands administered by BLM and the Forest Service. With the exception of two special areas in Nevada and Montana, wild horses and burros were not managed or protected.

As descendants of animals that had escaped from or were released by early Spanish explorers, Indians, prospectors, farmers, and ranchers, wild horses and burros were allowed to roam free across many of the Western States. Belonging to no one but those who could catch them, wild horses and burros were often pursued, trapped, or destroyed to prevent damage to resources or for personal gain. Many of the methods used to capture the animals were less than humane and often resulted in painful injuries or death. Although some of the captured animals were used for riding or packing stock, most wound up being sold for commercial products.

As a result of these activities, a private movement began to call attention to wild horse and burro abuse, and to seek legislative remedies. Congress responded by providing protection, management,

and control for these animals through the Wild Free-Roaming Horse and Burro Act.

Upon passage of the act, the once threatened populations of wild horses and burros steadily increased. It was soon recognized that uncontrolled, the animals would overpopulate their habitat and jeopardize their own future. It has only been in most recent years that extensive progress has been made toward checking the growth of wild horse and burro populations. Healthy excess animals are captured and placed with qualified individuals under private maintenance agreements through the much publicized Adopt-A-Horse (or Burro) Program. After a year's proper care and maintenance, qualified adopters may obtain title to as many as four animals.

BLM, with the responsibility for a large majority (95 percent) of all wild horses and burros, is continuing to remove excess animals from the public lands until populations can be sustained with the habitat resources available to them. The Forest Service has reached management levels in some areas, and is maintaining its population there through periodic removals while continuing removals of excess animals in other areas.

A Memorandum of Understanding initiated between the Agencies remains in effect until September 30, 1984. To assure a coordinated wild horse and burro program, the Agencies meet frequently to discuss management policies and program developments.

Through studies and research, the Agencies are seeking to provide improvements to the wild horse and burro program and enhance efforts to preserve these animals as part of the multiple-use mix of public land management.

Wild Horse and Burro Management

Planning

Wild horses and burros are to be maintained only in areas where the animals existed when the Wild Free-Roaming Horse and Burro Act became law on December 15, 1971. Through land use planning, the Secretaries identify resource management issues for specific areas and develop alternative proposals to resolve conflicts among resource uses. Decisions resulting from planning identify those areas where wild horses and burros will continue to be managed and the approximate population level to be maintained as an integral part of the natural system.

Herd management area plans and wild horse or burro territory plans are developed by BLM and the Forest Service respectively after the multiple use decisions have been made. These plans include specific information on habitat improvements, method and timing for removal of excess animals, monitoring of the herds and habitat, and population control measures.

BLM has developed 59 management plans for its 303 herd areas and the Forest Service has developed 29 plans for its 51 wild horse and burro territories.

Table A.—Estimated Bureau of Land Management Wild Horse and Burro Herd Areas Existing in 1971

State	Acres	Areas
Arizona	2,815,000	11
California	6,608,700	39
Colorado	844,970	6
Idaho	460,740	8
Montana	151,764	7
Nevada	¹ 20,074,861	132
New Mexico	134,310	4
Oregon	3,819,157	33
Utah	4,227,735	28
Wyoming	8,358,642	35

¹Incomplete.

Designated Areas

BLM manages three areas that have received special designation as wild horse ranges and are managed primarily, but not exclusively, for wild horses. The Nevada Wild Horse Range was established in

1961 as a joint effort of the BLM, Air Force, and U.S. Fish and Wildlife Service. The range is located within the Nellis Air Force Base in southwestern Nevada and includes approximately 395,000 acres. A management plan was developed in 1965 that provides for the management of 1,200 animals. Currently, there are in excess of 3,000 wild horses on the range and adjoining lands of the Nellis Air Force Base.

The Pryor Mountain Wild Horse Range, located in south-central Montana and northern Wyoming, was created in 1968. The range consists of approximately 44,000 acres and provides a home for between 100 and 200 wild horses. The Nevada and Pryor Mountain wild horse ranges were established before wild horses were given substantial protection by Federal law and are products of concerned citizens working toward preserving wild free-roaming horses as symbols of America's heritage.

On November 5, 1980, BLM added the Little Book Cliffs Wild Horse Range to the elevated status of a designated area to offer opportunities for public observation and education. Little Book Cliffs, located in west-central Colorado, consists of approximately 28,000 acres and is administered for the protection and management of 80 to 100 wild horses. The range was dedicated to the memory of the late Velma B. "Wild Horse Annie" Johnston. Mrs. Johnston was the single greatest force for Federal legislation against inhumane treatment of wild horses and burros on the public lands. She also was one of the most effective supporters of a management program for the horses of Little Book Cliffs.

Research

As required by the Wild Free-Roaming Horse and Burro Act (as amended by the Public Rangelands Improvement Act), BLM and the Forest Service initiated a major research effort to supplement their knowledge of wild horses and burros in 1979. The research is to expand current "... knowledge of wild horse and burro population dynamics and their interrelationship with wildlife, forage and water resources," and to assist BLM and the Forest Service in making their "... determination as to what constitutes excess animals."

The National Academy of Sciences (NAS) was contracted to identify current knowledge on wild horses and burros and to develop a research plan for

needed studies. In December 1980, NAS provided its report. Eighteen projects in four fields of study — (1) biology of horses and burros; (2) effects of equids on the ecosystem components; (3) socio-economic and political issues, and (4) wild equid research and management methodology — were identified as follows:

1. Habitat Preference and Use by Co-occurring and Separately Occurring Feral Equids and Cattle;
2. Food Consumption Rates and Nutrition of Wild and Free-Roaming Horses and Burros and Their Associated Species;
3. Nutritional Plane, Condition Measures, and Reproductive Performance in Domestic Mares;
4. Blood Assay of Experimental Equids and Livestock (to be conducted concurrently with projects 1, 2, 3, 5, and 8);
5. Demography of Wild Horses and Burros;
6. Social Structure, Feeding Ecology, and Population Dynamics of Wild and Free-Roaming Horses and Burros;
7. Genetic Polymorphism;
8. Grazing Impacts of Equids and Cattle on Range-Plant Communities;
9. Hydrologic Impacts;
10. Riparian-Zone Impacts;
11. Public Attitudes;
12. Analysis and Evaluation of Demands for Excess Wild Free-Roaming Horses and Burros;
13. Management Costs of Wild Free-Roaming Horse and Burro Alternatives;
14. Economic Considerations for Management Alternatives Drawn from Proposed Research Programs;
15. Nonmarket Values for Wild Free-Roaming Horses and Burros;
16. Conceptual Development of Public Rangeland Management Models;
17. Census Methods for Wild Horses and Burros; and
18. Contraception Studies.

During 1980 and 1981, five projects were initiated, and all are scheduled for completion in 1982. A final report on the research will be submitted to Congress by January 1983.

Summary of Research Projects

Wild Horse Habitat Preference and Use; Contractor: University of Wyoming; Estimated cost: \$243,000

Vegetation Response to Grazing and its Effects on the Diet and Nutritional Status of Horses and Cattle Grazing Desert Range in Western Wyoming; Contractor: University of Wyoming; Estimated Cost: \$447,000

Food Consumption Rates and Nutrition of Horses and Cattle; Contractor: Colorado State University; Estimated Cost: \$184,000

Census Methods for Wild Horses and Burros and Adult Female and Foal Survival Rates; Contractor: University of Minnesota; Estimated Cost: \$353,000

Wild Horse and Burro Demography: Determination of Pregnancy and Lactation Rates in Various Herds; Contractor: Utah State University; Estimated Cost: \$40,000

Prior to the 1978 amendments to Public Law 92-195 mandating wild horse and burro research, BLM and the Forest Service had contracted four research projects on wild horses. Three of these have been completed and the new information is being evaluated for possible application to the wild horse and burro program. The four research projects are:

Investigations of Reproductive and Chemical Fertility Control in Wild Free-Roaming Horses; Contractor: Eastern Montana College; Cost: \$162,000; Completed.

Evaluation of Chemical Restraint Methods for Potential Use in Wild and Free-Roaming Horses; Contractor: Washington State University; Cost: \$140,000; Completed.

Fecal Analysis Study; Contractor: Oregon State University; Cost: \$75,000; Final report is due July 1, 1982.

Sterilization of Dominant Males Will Not Limit Feral Horse Populations: The research was supported by the Rocky Mountain Forest and Range Experiment Section with headquarters at Fort Collins in cooperation with Colorado State University and by the New Mexico State University Agricultural Experiment Station in Las Cruces. Completed.

Population Estimates

Population estimates are based upon inventories of wild horse and burro use areas and are conducted from the air either with fixed-wing aircraft or helicopters. The two techniques most often used to estimate wild horse and burro populations are the total count and mark-resight methods.

The total count method, as the name implies, involves a total count of all the animals in a herd area. By using the data from this technique, the wild horse and burro specialist assumes that all animals in an area have been observed. It is obvious that this method has its limitations in areas of high vegetation and rough terrain.

The second method, known as mark-resight, involves marking (by paint, colored collar, etc.) a known number of animals in a herd area and then

counting all animals observed. Using the number of resighted (marked) animals, the specialist can project an estimated population in the herd area. If a total of 50 animals were counted and 5 of 10 marked animals were resighted, the specialist assumes that 50 percent of the herd were counted and estimates the population at 100 animals. The mark-resight procedure may be more accurate than the total count method; however, it is also more costly and time consuming.

It is not always possible or desirable to inventory the same herd areas every year. When lacking current inventories, it is often necessary to make estimates based upon other data available. By using existing inventories, rates of reproduction and survival, and known numbers of removals, the specialist can project an estimate of wild horse and burro populations for an area.

Table B.—Biennial Population Estimates by State for Wild Horses and Burros Managed by the Bureau of Land Management

(Number of Animals)

State	1974 ¹	1976	1978	1980	1982
Wild Horses					
Arizona	115	107	70	125	150
California	3,000	4,230	3,700	2,897	3,320
Colorado	500	1,035	990	1,229	650
Idaho	500	874	1,200	935	880
Montana	325	257	300	232	200
Nevada	20,000	22,258	31,800	31,260	26,050
New Mexico	² 7,550	² 6,420	70	76	80
Oregon	5,265	7,493	4,050	3,458	3,270
Utah	1,000	1,803	2,150	1,714	1,330
Wyoming	4,411	8,833	9,700	10,448	9,000
TOTAL	42,666	53,310	54,030	52,374	44,930
Wild Burros					
Arizona	10,000	2,668	3,780	5,000	5,600
California	3,200	3,072	3,845	6,152	³ 4,850
Colorado	0	0	0	0	0
Idaho	8	9	10	16	20
Montana	0	0	0	0	0
Nevada	1,000	842	1,420	939	1,330
New Mexico	80	104	25	31	30
Oregon	16	25	0	20	20
Utah	50	70	80	13	20
Wyoming	20	0	0	0	0
TOTAL	14,374	6,790	9,160	12,171	11,870

¹The 1974 estimates were based on field counts from the ground and population projections. The first aerial surveys were conducted in 1975 on public lands.

²New Mexico range users submitted claims on many licensed branded and unbranded horses and burros. Horses and burros which never grazed on public lands were included on the claim forms. The claims have now been processed and the discrepancies involving animals that should not have been claimed were resolved.

³The 1982 California burro population estimate reflects only those burros on BLM-administered public lands. Previous estimates included burros on non-BLM administered lands within the California Desert area.

Table C.—Biennial Population Estimates by State for Wild Horses and Burros on the National Forest System

(Number of Animals)

State	1974	1976	1978	1980	1982
Wild Horses					
Arizona	7	5	3	8	5
California	828	1,037	1,381	1,397	1,006
Colorado	0	0	0	0	0
Idaho	34	5	0	7	7
Montana	8	9	8	8	8
Nevada	1,174	1,305	1,042	951	1,139
New Mexico	207	279	420	230	170
Oregon	215	295	215	225	485
Utah	45	90	103	121	74
Wyoming	23	0	0	0	0
TOTAL	2,541	3,025	3,174	2,947	2,894
Wild Burros					
Arizona	36	24	14	4	16
California	209	252	312	143	325
Colorado	0	0	0	0	0
Idaho	6	5	6	6	3
Montana	0	0	0	0	0
Nevada	13	15	28	16	40
New Mexico	5	15	30	35	32
Oregon	0	0	0	0	0
Utah	13	0	0	0	0
Wyoming	0	0	0	0	0
TOTAL	282	311	390	204	416

Removal of Excess Animals

The Wild Free-Roaming Horse and Burro Act of 1971 provided for not only the protection and management of wild horses and burros, but also for control of their populations. Under protection of the law, the size of the wild horse and burro populations increased to the extent that it was apparent control measures were required to protect both the animals and their habitat. Wild horse and burro populations are controlled by removing excess animals by herding with helicopters and/or horseback, and trapping with food or water.

A population of wild horses or burros is considered to contain excess animals when its requirements

for forage, cover, water, and space exceed the amounts available to them in a multiple-use environment, causing deterioration of the habitat and endangering the health of the animals that share it. Although most gatherings remove excess animals, wild horses and burros are also removed if they are posing a threat to the safety of human life; if they are causing damage to private property; if they are risking injury to themselves; or if they are on private lands and the landowner requests their removal.

As of September 30, 1981, approximately 32,500 wild horses and 5,700 wild burros had been removed by BLM and the Forest Service since 1971. Despite the size of these removals, only in the last 2 years has BLM been able to check population growth.

The act established the following order and priority for the removal and disposition of excess animals:

- Old, sick, or lame animals are to be destroyed in the most humane manner possible;
- Remaining excess animals are to be made available for private maintenance as long as an adoption demand by qualified individuals exists; and
- Remaining excess animals for which an adoption demand does not exist are to be destroyed in the most humane and cost efficient manner possible.

Adopt-A-Horse (or Burro) Program

Interested individuals wishing to obtain a wild horse or burro must apply to the Agencies before animals can be adopted. Applicants must be of legal age in their State of residence, not have been convicted of inhumane treatment of animals, and be able to provide proper care and treatment for requested wild horses or burros. Having met these requirements, applicants are contacted when animals of the age and sex requested are available at their preferred adoption location, and arrangements are made to complete the adoption. Approximately 30,000 wild horses and 5,100 wild burros have been placed in private maintenance with over 14,000 individuals in 48 States through the Adopt-A-Horse Program.

At the onset of the wild horse and burro program, excess animals were removed in small numbers and were placed in the care of adopters at little or no cost to the adopter. The adoption program began in 1973, when 23 excess wild horses were removed from the Pryor Mountain Wild Horse Range in Montana and placed in foster homes. It spread to Oregon in 1974, and on to Nevada in 1975.

As the number of excess animals removed from public lands increased, it became necessary to expand efforts to find good homes for the animals. In 1976, BLM established the Adopt-A-Horse (or Burro) Program nationwide to allow qualified individuals an opportunity to apply for and receive excess wild horses and burros.

Through a Memorandum of Understanding, the Forest Service coordinates with BLM in their Adopt-A-Horse Program. Approximately 90 percent of the excess animals removed from Forest Service lands are placed in private maintenance through the BLM

Table D.—Summary of Wild Horses and Burros Adopted by State

(as of September 30, 1981)

State	Horses	Burros ¹
Alabama	212	10
Alaska	34	1
Arizona	172	393
Arkansas	244	19
California	4,784	1,977
Colorado	1,037	234
Connecticut	5	4
Delaware	0	0
Florida	117	186
Georgia	113	38
Hawaii	0	0
Idaho	2,122	58
Illinois	360	58
Indiana	201	38
Iowa	535	328
Kansas	517	12
Kentucky	417	114
Louisiana	79	3
Maine	10	3
Maryland	35	4
Massachusetts	15	4
Michigan	275	31
Minnesota	255	29
Mississippi	120	2
Missouri	974	57
Montana	320	52
Nebraska	346	104
Nevada	1,123	108
New Hampshire	7	7
New Jersey	10	2
New Mexico	459	63
New York	63	15
North Carolina	137	8
North Dakota	42	6
Ohio	197	21
Oklahoma	2,053	61
Oregon	3,763	163
Pennsylvania	88	20
Rhode Island	3	0
South Carolina	178	0
South Dakota	760	13
Tennessee	738	123
Texas	2,919	382
Utah	1,204	40
Vermont	3	0
Virginia	161	8
Washington	1,501	235
West Virginia	39	0
Wisconsin	94	37
Wyoming	1,134	17
District of Columbia	2	0
Totals	29,977	5,088
Grand Total	35,065	

¹Includes 39 adopted mules.

program. This has resulted in a more efficient and effective program.

BLM now operates year-round adoption facilities near Susanville, California; Burns, Oregon; Reno, Nevada; and Rock Springs, Wyoming. When animals are gathered in areas where it is not feasible to transport them to year-round centers, temporary facilities are used to place the animals in adoption. Temporary adoption centers have been located in Arizona, California, Colorado, Idaho, Montana, Oregon, and Utah.

It has not always been possible to adopt animals at the same rate as they are being gathered. To alleviate this problem and to make animals more readily available to potential adopters, BLM has contracted with private individuals to operate five adoption centers in various regions of the country. The centers are located in Valley, Nebraska; Eugene, Oregon; Cross Plains, Tennessee; Valley Mills, Texas; and Spanaway, Washington. The Nebraska facility began operation during the summer of 1981.

A variation of the year-round contract centers has been the use of "satellite centers." Animals are transported to a location of known adoption demand where qualified applicants are notified in advance of the shipment. The animals are adopted over a 2 to 3 day period. Although substantial effort is required to coordinate this usually one-time operation, it is an effective tool to adopt excess animals.

Still another procedure that has proven quite effective in the adoption of wild horses and burros is the "group adoption." Individuals, operating with the power of attorney of approved applicants, are able to select, adopt, and transport animals to waiting adopters. This process has been appealing to adopters because the cost per animal for the transportation of a large number of animals is less than that for individual or smaller numbers of animals.

The costs of the adoption program have increased with the growing number of animals removed. As the need to provide costly services and improve distribution of animals for adoption grew, it became clear that adopters must contribute toward keeping a viable adoption program. Animals being transported across numerous States often required medical clearances and brand inspections. These expenses, and those related to actual transport of animals and operation of contract and satellite adoption centers, were passed on to adopters. The adoption fees being charged for wild horses and burros at the end of Fiscal Year 1981 ranged between \$0 and \$145.

As part of the effort toward improving fiscal responsibility and to be responsive to the recommendations of both Congress and the Office of Management and Budget to eliminate subsidization of the adoption program, the Agencies announced an increase in the adoption fees on June 25, 1981. Effective October 1, 1981 (but later delayed until January 2, 1982), adoption fees of \$200 per horse and \$75 per burro will be collected upon adoption. If the animal is transported from the facility where it was prepared for adoption to another adoption center, the cost of transportation will be added to the fee.

To reduce the impacts on adoption demand, public affairs activities are being increased to reach new audiences who are unfamiliar with the program. It is hoped that these expanded efforts will generate an increased adoption demand, making it unnecessary to destroy healthy animals.

For additional information on the adoption program and an application form, write to:

Adopt-A-Horse

Bureau of Land Management (250)
Washington, D.C. 20240

Compliance/Enforcement

In the interest of protecting free-roaming and adopted wild horses and burros, the Agencies have been aggressive in their actions to investigate reported violations of the act and to ensure compliance with maintenance (adoption) agreements. In the last 2 years, BLM contacted 3,300 adopters and inspected more than 5,000 adopted horses and burros to determine if the animals were receiving proper care and treatment. As a result of these activities, 200 animals were repossessed and reassigned to other adopters. Formal investigations have focused on abuse, sale, and illegal use of adopted animals. In addition, illegal gatherings were reported in several States. Many of the investigations resulted in cases that were submitted to U.S. Attorney offices for prosecutive evaluation. U.S. Attorneys were successful in obtaining one conviction. A South Carolina resident pleaded guilty to charges that he sold six adopted wild horses. The U.S. Magistrate sentenced him to 5 years probation and a \$4,000 fine and prohibited him from future participation in the adoption program.

Title Transfer

Adopters of wild horses and burros who have maintained their animal(s) for a minimum of 1 year may, upon application, receive title to as many as four animals each year. Awarding titles to the adopters gives recognition to those individuals who have invested their time and energies toward providing humane care for their animals. It also reduces costs of recordkeeping and monitoring by decreasing the number of animals the Agencies must oversee.

Agency records reveal that of the almost 25,000 wild horses and burros maintained for more than 1 year, 6,239 wild horses and 608 burros have been

titled. The failure of qualified individuals to obtain title to their adopted animals can be attributed to several causes. In order to deliver the necessary title application, the Agencies must have current addresses. Many of the adopters have moved and have failed to notify the Agencies of their change of address. Some have transferred their animals to other individuals without prior approval of the respective Agency. Those problems are compounded by the fact that animals adopted before 1978 were not freemarked with permanent individual identification marks and cannot be distinguished from domestic animals.

Forest Service

Wild horses have been adopted for the protection and management of wild horses and burros on the Forest Service's managed lands. The Forest Service has adopted the following policy:

Year	Wild Horses	Burros
1978	1,000	100
1979	1,200	120
1980	1,500	150

Bureau of Land Management

Year	Wild Horses	Burros
1978	1,000	100
1979	1,200	120
1980	1,500	150
1981	1,800	180
1982	2,000	200
1983	2,200	220
1984	2,500	250
1985	2,800	280
1986	3,000	300
1987	3,200	320
1988	3,500	350
1989	3,800	380
1990	4,000	400
1991	4,200	420
1992	4,500	450
1993	4,800	480
1994	5,000	500
1995	5,200	520
1996	5,500	550
1997	5,800	580
1998	6,000	600
1999	6,200	620
2000	6,500	650
2001	6,800	680
2002	7,000	700
2003	7,200	720
2004	7,500	750
2005	7,800	780
2006	8,000	800
2007	8,200	820
2008	8,500	850
2009	8,800	880
2010	9,000	900
2011	9,200	920
2012	9,500	950
2013	9,800	980
2014	10,000	1,000
2015	10,200	1,020
2016	10,500	1,050
2017	10,800	1,080
2018	11,000	1,100
2019	11,200	1,120
2020	11,500	1,150
2021	11,800	1,180
2022	12,000	1,200
2023	12,200	1,220
2024	12,500	1,250
2025	12,800	1,280
2026	13,000	1,300
2027	13,200	1,320
2028	13,500	1,350
2029	13,800	1,380
2030	14,000	1,400

Year	Wild Horses	Burros
1978	1,000	100
1979	1,200	120
1980	1,500	150
1981	1,800	180
1982	2,000	200
1983	2,200	220
1984	2,500	250
1985	2,800	280
1986	3,000	300
1987	3,200	320
1988	3,500	350
1989	3,800	380
1990	4,000	400
1991	4,200	420
1992	4,500	450
1993	4,800	480
1994	5,000	500
1995	5,200	520
1996	5,500	550
1997	5,800	580
1998	6,000	600
1999	6,200	620
2000	6,500	650
2001	6,800	680
2002	7,000	700
2003	7,200	720
2004	7,500	750
2005	7,800	780
2006	8,000	800
2007	8,200	820
2008	8,500	850
2009	8,800	880
2010	9,000	900
2011	9,200	920
2012	9,500	950
2013	9,800	980
2014	10,000	1,000
2015	10,200	1,020
2016	10,500	1,050
2017	10,800	1,080
2018	11,000	1,100
2019	11,200	1,120
2020	11,500	1,150
2021	11,800	1,180
2022	12,000	1,200
2023	12,200	1,220
2024	12,500	1,250
2025	12,800	1,280
2026	13,000	1,300
2027	13,200	1,320
2028	13,500	1,350
2029	13,800	1,380
2030	14,000	1,400

The following table shows the number of wild horses and burros adopted by the Forest Service and the Bureau of Land Management from 1978 to 2030.

Forest Service and Bureau of Land Management records show that the number of wild horses and burros adopted by the Forest Service and the Bureau of Land Management from 1978 to 2030 is projected to be 14,000 wild horses and 1,400 burros.

Funding and Expenditures

The level of funding appropriated by Congress to administer the wild horse and burro program has increased as the Agencies have become more knowledgeable about the animals, their needs, and the action necessary for their management, protection, and control.

Included in the expenditures below are costs associated with management plans, population inventories, environmental assessments, removals and adoptions of excess animals, compliance, law enforcement, titling adopted animals, and general administration.

Forest Service

Until 1979, funds allocated for the protection and management of wild horses and burros on the National Forest System remained fairly stable at about \$200,000 a year.

Fiscal Year	Wild Horse and Burro Expenditures
1979	\$435,000
1980	450,000
1981	400,000
1982	1310,000

Bureau of Land Management

Fiscal Year	Wild Horse and Burro Expenditures
1972	0
1973	\$400,000
1974	687,123
1975	1,314,306
1976	1,271,833
1977	2,679,000
1978	4,025,000
1979	4,250,000
1980	6,244,274
1981	7,060,000
1982	15,366,000

¹Funds appropriated by Congress. Does not include administrative costs, which are now funded as a separate subactivity.

Analysis of Expenditures

Removal costs are declining as techniques to capture animals improve and more gatherings are contracted to qualified private individuals through a competitive bid process. Included in removal costs are expenses of developing removal plans, gathering, and transporting animals to the corrals where they are prepared for adoption.

Adoption costs have increased slightly, possibly as a result of increased efforts to generate additional adoption demand and providing animals for adoption at more locations. Included in the cost of adoption are medical treatment (i.e., tests, vaccinations, worming, supplies, and veterinarian's time); brand inspection and freezemarking; feed and handling at the corrals and point of adoption; public affairs efforts; and transportation to another adoption center (if applicable).

Compliance involves those activities necessary to assure that adopted animals are receiving proper care and treatment. Compliance checks are performed primarily in response to complaints and most often involve costly time and travel outside of normal work areas.

The Agencies began to issue titles for eligible wild horses and burros in 1980. As procedures became more familiar, costs of transferring titles to adopters decreased.

An analysis of BLM's wild horse and burro removal and adoption activity costs and receipts during Fiscal Years 1980 and 1981 provided the following information:

Activity	Cost/Receipt per Animal	
	1980	1981
Costs		
Removal	\$262	\$163
Adoption	279	299
Compliance ¹	224	235
Title Transfer	22	6
Receipts		
Adoption fees collected	65	62

¹Compliance costs are per adopter visited. Adopters may have one or more animals, and only a portion of the adopters are visited.

Forest Service costs and receipts parallel BLM's where animals are placed in adoption through BLM facilities. In those few areas where Forest Service animals are not placed in adoption in coordination with BLM, costs are highly variable since few numbers are involved.

Litigation

While trying to control wild horse and burro population growth and managing its other resources, BLM has often found itself between the interests supporting wild horses and burros and those representing other renewable resources. As a result, several lawsuits have been filed against BLM. Wild horse interests argue in two of the nine cases that wild horse populations are not receiving proper consideration in the allocation of forage in certain areas of the West. Landowners in five cases argue that BLM has failed to control its wild horse and burro populations, which has resulted in damage to private lands. In one case involving a State Game Department, plaintiffs argue that overpopulations of wild horses and burros are posing a threat to wildlife, wild horses and burros, and their shared habitat. Finally, plaintiffs in another case claim that privately owned animals were illegally gathered in a removal of wild horses and burros.

Of the nine cases active during Fiscal Years 1980 and 1981, one was dismissed and the remaining are pending (see Appendix B for a detailed synopsis):

1. *American Horse Protection Association, Inc. v. Kleppe*; Civil No. 76-1455 (D.D.C. filed 1976); Still pending;
2. *American Horse Protection Association,*

Inc. v. Andrus; Civil No. R-78-105 (D. Nev., filed 1978); Pending appeal;

3. *Mountain States Legal Foundation v. Andrus*; Civil No. C-79-275 (D. Wyo., filed 1979); Still pending;

4. *State of Nevada, ex. rel. Nevada State Board of Wildlife Commissioners and Nevada State Department of Wildlife v. Andrus*; Civil No. R-79-185 (D. Nev., filed 1979); Still pending;

5. *Fallini v. Andrus*; Civil No. 79-223 (D. Nev., filed 1979); Dismissed;

6. *C-Punch Corporation v. Andrus*; Civil No. R-80-266 (D. Nev., filed 1980); Still pending;

7. *Sheridan v. Andrus*; Civil No. 79-HC-1306 (D. Col., filed 1980); Still pending;

8. *Fallini v. Watt*; Civil No. 81-536 (D. Nev., filed 1981); Still pending;

9. *T Quarter Circle Ranches, Inc. v. Watt*; Civil No. R-81-110 (D. Nev., filed 1981); Still pending.

The Forest Service was not involved in any active litigation cases regarding wild horses and burros during Fiscal Years 1980 and 1981.

Future Expectations

The removal of excess wild horses and burros and their subsequent adoption have been the primary tools used by BLM and the Forest Service for the management of wild horses and burros. The actual numbers of wild horses and burros to be maintained on public lands, their location, and how they are to be managed are established through the land use planning systems of the Agencies.

The Forest Service is continuing to remove excess wild horses and burros in California, Oregon, and Nevada. Wild horses and burros are generally being retained at management levels in Arizona, Montana, New Mexico, and Utah through periodic removals. BLM anticipates its management decisions will be completed in all areas in 1989, and wild horse and burro populations should be at management levels soon thereafter.

Information from current wild horse and burro research efforts and the recommendations of the National Academy of Sciences (NAS) are expected to provide invaluable assistance toward the management of the wild horses and burros. Although the contractual relationship between NAS, BLM, and

the Forest Service will be terminated in 1982, projects recommended by NAS that were not implemented will continue to receive consideration among the Agencies' priorities and funding limitations.

BLM and the Forest Service will continue to seek ways to be cost effective in their administration of the Wild Free-Roaming Horse and Burro Act. The recently increased adoption fee is one example of these efforts. BLM is reviewing its adoption and title application procedures and expects revisions to streamline both processes.

The Adopt-A - Horse (or Burro) Program has been successful in placing over 35,000 animals in private maintenance, and BLM and the Forest Service intend to continue the program as a humane method for disposing of excess wild horses and burros removed from public lands.

Public affairs efforts will be intensified and excess animals will be made available at new locations through contract and satellite adoption centers in order to increase adoption demand.

Appendix A

The Wild Free-Roaming Horse and Burro Act of 1971

(Public Law 92-195) as amended by The Federal Land Policy and Management Act of 1976 (Public Law 94-579) and The Public Rangelands Improvement Act of 1978 (Public Law 95-514)

To require the protection, management, and control of wild free-roaming horses and burros on public lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress finds and declares that wild free-roaming horses and burros are living symbols of the historic and pioneer spirit of the West; that they contribute to the diversity of life forms within the Nation and enrich the lives of the American people; and that these horses and burros are fast disappearing from the American scene. It is the policy of Congress that wild free-roaming horses and burros shall be protected from capture, branding, harassment, or death; and to accomplish this they are to be considered in the area where presently found, as an integral part of the natural system of the public lands.

Sec. 2. As used in this Act-

(a) "Secretary" means the Secretary of the Interior when used in connection with public lands administered by him through the Bureau of Land Management and the Secretary of Agriculture in connection with public lands administered by him through the Forest Service;

(b) "wild free-roaming horses and burros" means all unbranded and unclaimed horses and burros on public lands of the United States;

(c) "range" means the amount of land necessary to sustain an existing herd or herds of wild free-roaming horses and burros, which does not exceed their known territorial limits, and which is devoted principally but not necessarily exclusively to their welfare in keeping with the multiple-use management concept for the public lands;

(d) "herd" means one or more stallions and his mares; and

(e) "public lands" means any lands administered by the Secretary of the Interior through the Bureau of Land Management or by the Secretary of Agriculture through the Forest Service.

(f) "excess animals" means wild free-roaming

horses or burros (1) which have been removed from an area by the Secretary pursuant to applicable law or, (2) which must be removed from an area in order to preserve and maintain a thriving natural ecological balance and multiple-use relationship in that area.

Sec. 3.(a) All wild free-roaming horses and burros are hereby declared to be under the jurisdiction of the Secretary for the purpose of management and protection in accordance with the provisions of this Act. The Secretary is authorized and directed to protect and manage wild free-roaming horses and burros as components of the public lands, and he may designate and maintain specific ranges on public lands as sanctuaries for their protection and preservation, where the Secretary after consultation with the wildlife agency of the State wherein any such range is proposed and with the Advisory Board established in section 7 of this Act deems such action desirable. The Secretary shall manage wild free-roaming horses and burros in a manner that is designed to achieve and maintain a thriving natural ecological balance on the public lands. He shall consider the recommendations of qualified scientists in the field of biology and ecology, some of whom shall be independent of both Federal and State agencies and may include members of the Advisory Board established in section 7 of this Act. All management activities shall be at the minimal feasible level and shall be carried out in consultation with the wildlife agency of the State wherein such lands are located in order to protect the natural ecological balance of all wildlife species which inhabit such lands, particularly endangered wildlife species. Any adjustments in forage allocations on any such lands shall take into consideration the needs of other wildlife species which inhabit such lands.

(b) (1) The Secretary shall maintain a current inventory of wild free-roaming horses and burros on given areas of the public lands. The purpose of such inventory shall be to: make determinations as to whether and where an overpopulation exists and

whether action should be taken to remove excess animals; determine appropriate management levels of wild free-roaming horses and burros on these areas of the public lands; and determine whether appropriate management levels should be achieved by the removal or destruction of excess animals, or other options (such as sterilization, or natural controls on population levels). In making such determinations the Secretary shall consult with the United States Fish and Wildlife Service, wildlife agencies of the State or States wherein wild free-roaming horses and burros are located, such individuals independent of Federal and State government as have been recommended by the National Academy of Sciences, and such other individuals whom he determines have scientific expertise and special knowledge of wild horse and burro protection, wildlife management and animal husbandry as related to rangeland management.

(2) Where the Secretary determines on the basis of (i) the current inventory of lands within his jurisdiction; (ii) information contained in any land use planning completed pursuant to section 202 of the Federal Land Policy and Management Act of 1976; (iii) information contained in court ordered environmental impact statements as defined in section 2 of the Public Rangelands Improvement Act of 1978; and (iv) such additional information as becomes available to him from time to time, including that information developed in the research study mandated by this section, or in the absence of the information contained in (i-iv) above on the basis of all information currently available to him, that an overpopulation exists on a given area of the public lands and that action is necessary to remove excess animals, he shall immediately remove excess animals from the range so as to achieve appropriate management levels. Such action shall be taken, in the following order and priority, until all excess animals have been removed so as to restore a thriving natural ecological balance to the range, and protect the range from the deterioration associated with overpopulation:

(A) The Secretary shall order old, sick, or lame animals to be destroyed in the most humane manner possible;

(B) The Secretary shall cause such number of additional excess wild free-roaming horses and burros to be humanely captured and removed for private maintenance and care for which he determines an adoption demand exists by qualified individuals, and for which he determines he can assure humane treatment and care (including proper transportation, feeding, and handling): *Provided*, That, not more than four animals may be adopted per year by any individual unless the

Secretary determines in writing that such individual is capable of humanely caring for more than four animals, including the transportation of such animals by the adopting party; and

(C) The Secretary shall cause additional excess wild free roaming horses and burros for which an adoption demand by qualified individuals does not exist to be destroyed in the most humane and cost efficient manner possible.

(3) For the purpose of furthering knowledge of wild horse and burro population dynamics and their interrelationship with wildlife, forage and water resources, and assisting him in making his determination as to what constitutes excess animals, the Secretary shall contract for a research study of such animals with such individuals independent of Federal and State government as may be recommended by the National Academy of Sciences for having scientific expertise and special knowledge of wild horse and burro protection, wildlife management and animal husbandry as related to rangeland management. The terms and outline of such research study shall be determined by a research design panel to be appointed by the President of the National Academy of Sciences. Such study shall be completed and submitted by the Secretary to the Senate and House of Representatives on or before January 1, 1983.

(c) Where excess animals have been transferred to a qualified individual for adoption and private maintenance pursuant to this Act and the Secretary determines that such individual has provided humane conditions, treatment and care for such animal or animals for a period of one year, the Secretary is authorized upon application by the transferee to grant title to not more than four animals to the transferee at the end of the one-year period.

(d) Wild free-roaming horses and burros or their remains shall lose their status as wild free-roaming horses or burros and shall no longer be considered as falling within the purview of this Act-

(1) upon passage of title pursuant to subsection (c) except for the limitation of subsection (c)(1) of this section, or

(2) if they have been transferred for private maintenance or adoption pursuant to this Act and die of natural causes before passage of title; or

(3) upon destruction by the Secretary or his designee pursuant to subsection (b) of this section; or

(4) if they die of natural causes on the public lands or on private lands where maintained thereon pursuant to section 4 and disposal is authorized by the Secretary or his designee; or

(5) upon destruction or death for purposes of or

incident to the program authorized in section 3 of this Act; *Provided*, That no wild free-roaming horse or burro or its remains may be sold or transferred for consideration for processing into commercial products.

Sec. 4. If wild free-roaming horses or burros stray from public lands onto privately owned land, the owners of such land may inform the nearest Federal marshal or agent of the Secretary, who shall arrange to have the animals removed. In no event shall such wild free-roaming horses and burros be destroyed except by the agents of the Secretary. Nothing in this section shall be construed to prohibit a private landowner from maintaining wild free-roaming horses or burros on his private lands, or lands leased from the Government, if he does so in a manner that protects them from harassment, and if the animals were not willfully removed or enticed from the public lands. Any individuals who maintain such wild free-roaming horses and burros on their private lands or lands leased from the Government shall notify the appropriate agent of the Secretary and supply him with a reasonable approximation of the number of animals so maintained.

Sec. 5. A person claiming ownership of a horse or burro on the public lands shall be entitled to recover it only if recovery is permissible under the branding and estray laws of the State in which the animal is found.

Sec. 6. The Secretary is authorized to enter into cooperative agreements with other landowners and with the State and local governmental agencies and may issue such regulations as he deems necessary for the furtherance of the purposes of this Act.

Sec. 7. The Secretary of the Interior and the Secretary of Agriculture are authorized and directed to appoint a joint advisory board of not more than nine members to advise them on any matter relating to wild free-roaming horses and burros and their management and protection. They shall select as advisers persons who are not employees of the Federal or State Governments and whom they deem to have special knowledge about protection of horses and burros, management of wildlife, animal husbandry, or natural resources management. Members of this board shall not receive reimbursement except for travel and other expenditures necessary in connection with their services.

Sec. 8. Any person who-

(1) willfully removes or attempts to remove a wild free-roaming horse or burro from the public lands, without authority from the Secretary, or

(2) converts a wild free-roaming horse or burro to private use, without authority from the Secretary, or

(3) maliciously causes the death or harassment of any wild free-roaming horse or burro, or

(4) processes or permits to be processed into commercial products the remains of a wild free-roaming horse or burro, or

(5) sells, directly or indirectly, a wild free-roaming horse or burro maintained on private or leased land pursuant to section 4 of this Act, or the remains thereof, or

(6) willfully violates a regulation issued pursuant to this Act, shall be subject to a fine of not more than \$2,000, or imprisonment for not more than one year, or both. Any person so charged with such violation by the Secretary may be tried and sentenced by any United States commissioner or magistrate designated for that purpose by the court by which he was appointed, in the same manner and subject to the same conditions as provided for in section 3401, title 18, United States Code.

(b) Any employee designated by the Secretary of the Interior or the Secretary of Agriculture shall have power, without warrant, to arrest any person committing in the presence of such employee a violation of this Act or any regulation made pursuant thereto, and to take such person immediately for examination or trial before an officer or court of competent jurisdiction, and shall have power to execute any warrant or other process issued by an officer or court of competent jurisdiction to enforce the provisions of this Act or regulations made pursuant thereto. Any judge of a court established under the laws of the United States, or any United States magistrate may, within his respective jurisdiction, upon proper oath or affirmation showing probable cause, issue warrants in all such cases.

Sec. 9. In administering this Act, the Secretary may use or contract for the use of helicopters or, for the purpose of transporting captured animals, motor vehicles. Such use shall be undertaken only after a public hearing and under the direct supervision of the Secretary or of a duly authorized official or employee of the Department. The provisions of subsection (a) of the Act of September 8, 1959 (73 Stat. 470; 18 U.S.C. 47(a)) shall not be applicable to such use. Such use shall be in accordance with humane procedures prescribed by the Secretary.

Sec. 10. Nothing in this Act shall be construed to authorize the Secretary to relocate wild free-roaming horses or burros to areas of the public lands where they do not presently exist.

Sec. 11. After the expiration of thirty calendar months following the date of enactment of this Act, and every twenty-four calendar months thereafter, the Secretaries of the Interior and Agriculture will submit to Congress a joint report on the administra-

tion of this Act, including a summary of enforcement and/or other actions taken thereunder, costs, and such recommendations for legislative or other actions he might deem appropriate.

The Secretary of the Interior and the Secretary of Agriculture shall consult with respect to the implementation and enforcement of this Act and to the

maximum feasible extent coordinate the activities of their respective departments and in the implementation and enforcement of this Act. The Secretaries are authorized and directed to undertake those studies of the habits of wild free-roaming horses and burros that they may deem necessary in order to carry out the provisions of this Act.

Appendix B

Summary of Wild Horse and Burro Litigation

The following is the status of wild horse and burro litigation as of September 30, 1981:

1. In *American Horse Protection Association, Inc. v. Kleppe*, the plaintiffs disagreed with the number of wild horses to be managed in the Challis Herd Area of Idaho. Seeking management at a higher number, the plaintiffs argued that BLM erred in its calculations and failed to give full consideration of all alternatives for management of wild horses. The trial court granted an injunction in 1976 which was temporarily lifted in 1979 and 1980 to allow the removal of specified numbers of excess animals. A motion by defendants to dissolve the injunction was denied in 1981 and notice of appeal has been filed.

2. Arguing that the Bureau of Land Management is in violation of the 1971 act and the National Environmental Policy Act (NEPA) of 1969, plaintiffs in *American Horse Protection Association, Inc. v. Andrus* sought to enjoin all roundups in Nevada. After the trial court found in favor of the defendants, the case was appealed to the U.S. Court of Appeals for the Ninth Circuit, which remanded the case to the trial judge in the NEPA question. Plaintiffs amended their arguments to seek an injunction to include only those roundups in the Stone Cabin-Reveille Valleys of Nevada. The trial court denied the injunction and the case was appealed to the U.S. Court of Appeals for the Ninth Circuit, which instituted a stay.

3. In *Mountain States Legal Foundation v. Andrus*, plaintiffs alleged that the public lands and the wild horses were not being managed properly as required by the act. They sought damages for the loss of their property arising from grazing and other activities. The complaint alleged that the Director of BLM was personally liable for improper management of wild horses. The trial court issued a partial ruling that certain animals must be removed by specific dates and dismissed plaintiff's request to hold BLM's Director personally liable. The decision was appealed to the U.S. Court of Appeals for the Tenth Circuit which dismissed the appeal and remanded the case to the trial court for ruling on all unresolved issues. The case is pending.

4. In *State of Nevada, ex. rel. Nevada State Board of Wildlife Commissioners and Nevada State Department of Wildlife v. Andrus*, plaintiffs are asking for an order directing the Bureau of Land Management to reduce the

current horse population from an estimated 35,000 animals to no more than 10,000. The State is also asking for a judgment that the State may administer the wildlife and range resources within its borders and has the authority to establish a State program of wild horse removal from the public lands. A stay has been granted by the court pending settlement discussions.

5. The plaintiff in *Fallini v. Andrus* sought relief from the court to require the Bureau of Land Management to remove all wild horses from his private property and to prevent the animals from straying on the subject lands in the future. The animals were removed from the private lands and the trial court dismissed the case for lack of subject matter jurisdiction as to permanent removals.

6. Alleging that wild horses are causing damage to private lands on checkerboard lands in Nevada, the plaintiffs in *C-Punch Corporation v. Andrus* requested the court to require the Bureau of Land Management to remove wild horses from the checkerboard lands. The court granted the plaintiff's request and ordered three roundups by a certain date.

7. Claiming that private horses were illegally removed during a wild horse gathering, the plaintiffs in *Sheridan v. Andrus* sought damages for the loss of their animals and for use of private lands during the gathering. The court ordered the Bureau of Land Management to pay damages for a certain number of animals, but refused damages for use of private lands. The defendants, believing the unbranded animals to be wild horses, have appealed to the U.S. Court of Appeals for the Tenth Circuit.

8. In *Fallini v. Watt*, plaintiffs renewed their request (discussed earlier) to have the court require the Bureau of Land Management to remove wild horses from private lands and to prevent the animals from straying on the subject lands in the future. The case is still pending.

9. A similar case to those discussed earlier involves *T Quarter Circle Ranches, Inc. v. Watt*. The plaintiff requested the court to require the Bureau of Land Management to remove wild horses from private lands in the checkerboard lands in Nevada. Both sides have submitted briefs and are awaiting the court's ruling.

Bureau of Land Management
Library
Bldg. 50, Denver Federal Center
Denver, CO 80225

U.S. DEPARTMENT OF BUREAU OF LAND BORROWER	
KF 5645 Fourth report to Congress .H65 Administration of A833 horse and burro act. 1982	
DATE LOANED	BORROWER
(Continued on reverse) For	

